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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,306	09/16/2005	Charles E. Henderson	08270001US	3489
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MCGUIREWOODS, LLP			EXAMINER	
1750 TYSONS BLVD			NGUYEN, MERILYN P	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/549,306

Applicant(s)

HENDERSON, CHARLES E.

Examiner

Marilyn P. Nguyen

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-26 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 and 27-93 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 12-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date 01/24/2006

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date: ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

1. Claims 12-26 are active in this application as the result of the election. Claims 1-11 and 27-93 are withdrawn from consideration.
2. This application is the National Stage of International Application No. PCT/US2004/008406 filed on March 18, 2004, which claims the benefit of U.S. Provisional Patent Application No. 60/455,739 filed on March 18, 2003.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 01/24/2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Abstraction

4. Applicant is reminded of the proper content of an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. **It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.**

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 12-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 12, there is insufficient antecedent basis for "the set of access rights". The claim also recites "so that the receiver's second set of access right **evolves as an automated function of** the first set of access rights" and "iteration of access evolution" which is vague and indefinite as to it's unclear what Applicant is trying to claim.

Regarding claim 26, there is insufficient antecedent basis for "the entity" and "the manage exclusion".

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 12-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claim 12, this claim is for a method/process. To satisfy the 101 requirements, a process must (1) be tied to another statutory class (such as a particular apparatus or (2) transform underlying subject matter (such as an article or materials) to

a different state or thing. Since either of the requirements is met by the recited claim, claim 1 is rejected as being directed to non-statutory subject matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 12-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Lehmann (US 7,246,164).

Regarding claim 12, Lehmann discloses a computer implemented method of access evolution for automating the sharing of access rights in a computer environment having one or more access sharing relationships (See page 3, col. 10-17, "a personal relationship management system is provided for managing and sharing information among large groups of users...facilitates user-managed information flow to groups of associated users...members of the online network may control who has access to any given piece of information they create and distribute, as well as what information may be presented to them by other users"), comprising the steps of:

a) creating an access sharing relationship (See col. 3, lines 22-27, "allows users in the online network to mutually agree to become associated. ..via a two-way

acknowledgement procedure...a "handshake" by which consenting users within the online network may explicitly approve information flow there between") in which an access provider having a first set of access rights shares at least a subset of the set of access rights with an access receiver having a second set of access rights (See col. 3, lines 51-64, the author (corresponding to access provider) assign access rights to each information object, thus defining which classed of associated users (corresponding to access receiver) may receive the information object. Only users on the author's connection list can be assigned access rights), so that the receiver's second set of access rights evolves as an automated function of the first set of access rights by way of the shared subset (See col. 3, lines 59-64, "the information may be presented in a newspaper-like format by means of an automated document generation tool having both pre-defined and customizable criteria, selected by the receiving user, for displaying such information objects"), wherein the access sharing relationship is one of one or more access sharing relationships in a network of access control (See col. 3, lines 22-24);

b) defining the subset based on constraints of the access sharing relationship (See col. 3, lines 51-58); and

c) sharing the subset with the access receiver (See col. 3, lines 55-56, "only users on the author's connection list can be assigned access rights"), wherein the steps of defining and sharing comprise an iteration of access evolution (See col. 22-27, information flow therebetween).

Regarding claim 13, Lehmann discloses wherein the sharing is implemented by derived access control, such that the access receiver derives access from the provider (See col. 3, lines 59-64).

Regarding claim 14, Lehmann discloses wherein the access sharing relationship is a first access sharing relationship further comprising creating a second access sharing relationship in the computer environment, wherein the access receiver of the first access sharing relationship is also the access provider in the second access sharing relationship (See Figures 3 and 4, and Col. 10, lines 1-32 and col. 12, lines 51-55).

Regarding claim 15, Lehmann discloses wherein the access sharing relationship is a first access sharing relationship further comprising creating a second access sharing relationship in the computer environment, wherein the access provider of the first access sharing relationship is also the access receiver in the second access sharing relationship (See Figures 3 and 4, and Col. 10, lines 1-32 and col. 12, lines 51-55).

Regarding claim 16, Lehmann discloses creating another access sharing relationship that is symmetrical to the access sharing relationship, such that an access provider in the another access sharing relationship is the access receiver in the access sharing relationship and an access receiver in the another access sharing relationship is the access provider in the access sharing relationship, creating a bi-directional access sharing relationship (See col. 3, lines 22-25, "mutually agree to become associated...as a "handshake"").

Regarding claim 17, Lehmann discloses wherein the step for sharing shares access to at least one of an entity and a file (See col. 10, lines 39-57, "networking club").

Regarding claim 18, Lehmann discloses evolving the access rights of the receiver over time in response to changes in the access rights of the provider (See col. 10, lines 1-32).

Regarding claim 19, Lehmann discloses wherein the access rights include access constraints (See col. 4, lines 20-32).

Regarding claim 20, Lehmann discloses wherein the step of defining the subset includes removing from the subset another subset of access, wherein the another subset contains access for which a manage exclusion is applied, so that the evolution is deferred by the manage exclusion for a limited or unlimited period time during serial workflow (See col. 10, lines 61-64).

Regarding claim 21, Lehmann discloses wherein the step of defining the subset includes adding to the subset another subset of access, wherein the another subset contains access for which a manage exclusion is released, so that access automatically evolves as a result of the completion of an iteration of serial workflow (See col. 10, lines 65-67).

Regarding claim 22, Lehmann discloses wherein the access sharing relationship is defined between autonomous peers in a distributed network (See col. 3, lines 22-25, "online network").

Regarding claim 23, Lehmann discloses wherein the access sharing relationship is defined between one company and another company (See col. 9, lines 9-10).

Regarding claim 24, Lehmann discloses deferring an iteration of access evolution for some limited or unlimited period of time by a manage exclusion, providing serial workflow (See col. 10, lines 61-64).

Regarding claim 25, Lehmann discloses executing parallel workflow if access evolution is not deferred for some limited or unlimited period of time by a manage exclusion, providing parallel workflow (See col. 12, lines 4-10).

Allowable Subject Matter

8. Claim 26 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and overcome the rejection of 112.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marilyn P Nguyen whose telephone number is 571-272-4026.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2163

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

Merilyn Nguyen

AU 2163

/don wong/
Supervisory Patent Examiner, Art Unit 2163